

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**JRN, INC.**

**and**

**Case 10-CA-172802**

**CHERYL L. MILES-JONES**

**ORDER DENYING MOTION**

The General Counsel's Motion for Summary Judgment is denied. The General Counsel has failed to establish that there are no genuine issues of material fact warranting a hearing and that he is entitled to judgment as a matter of law. This denial is without prejudice to the ability of the General Counsel to renew his motion, in whole or in part, before the administrative law judge.<sup>1</sup>

Dated, Washington, D.C. December 21, 2016.

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
LAUREN McFERRAN,	MEMBER

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<sup>1</sup> Member Miscimarra concludes that the pleadings and the Respondent's opposition to the motion for summary judgment indicate that there may be issues of fact regarding the Respondent's Electronic Communications Policy. Further, the complaint apparently does not include policy language that may be relevant to the legality of the Respondent's Confidentiality Policy and its Conflict of Interest Policy.

Additionally, Member Miscimarra would deny the General Counsel's motion for summary judgment based on the legal principles stated in his separate opinions in *Schwan's Home Service*, 364 NLRB No. 20, slip op. at 8-20 (2016) (Member Miscimarra, concurring in part and dissenting in part); *William Beaumont Hospital*, 363 NLRB No. 162, slip op. at 7-24 (2016) (Member Miscimarra, concurring in part and dissenting in part); and *Purple Communications, Inc.*, 361 NLRB No. 126, slip op. at 18-28 (2014) (Member Miscimarra, dissenting).